



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

June 3, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Yefim Sosonkin, D.O.

Redacted Address

Rex Whitehorn, Esq.

Rex Whitehorn & Associates
98 Cutter Mill Road – Suite 234
Great Neck, NY 11021

Robert Bogan, Esq.

NYS Department of Health
Bureau of Professional Medical Conduct
433 River Street
Troy, NY 12180

RE: In the Matter of Yefim Sosonkin, D.O.

Dear Parties:

Enclosed please find the Determination and Order (No. 08-86) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely

Redacted Signature

James F. Horan, Acting Director
Bureau of Adjudication

JFH:nm

Enclosure

**STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT**

**IN THE MATTER
OF
YEFIM SOSONKIN, D.O.**

**DETERMINATION
AND
ORDER**

BPMC-08-86
COPY

A hearing was held on April 16, 2008, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and Statement of Charges, dated February 19, 2008 and February 15, 2008 respectively, were served upon the Respondent, **YEFIM SOSONKIN, D.O.** Pursuant to Section 230(10)(e) of the Public Health Law, **RICHARD D. MILONE M.D. (Chair), LYON M. GREENBERG M.D.** and **JEAN KRYM**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee (hereinafter "the Committee") in this matter. **KIMBERLY A. O'BRIEN, ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. The Department of Health appeared by Thomas Conway, Esq., General Counsel, by **ROBERT BOGAN, ESQ.**, of counsel. The Respondent appeared in person and by his representative **REX WHITEHORN, ESQ.** Evidence was received and transcripts of these proceedings were made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State

or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(i). Copies of the Notice of Referral Proceeding and Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner: None

For the Respondent: Yefim Sosonkin D.O.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the evidence presented in this matter. All Findings and Conclusions herein are the unanimous determination of the Committee. Having heard testimony and considered evidence presented by the Department of Health, the Committee hereby makes the following findings of fact. Conflicting evidence, if any, was considered and rejected in favor of the evidence cited. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Committee in arriving at a particular finding. All Findings of Fact made by the Committee were unanimous unless otherwise noted.

1. **YEFIM SOSONKIN, D.O.**, (hereinafter "Respondent"), was authorized to practice medicine in New York State on March 27, 1998, by the issuance of license number 209924 by the New York State Education Department (Prehearing Tr. 10).
2. On or about April 24, 2006, in the Supreme Court of the State of New York,

Westchester County, New York, the Respondent was convicted and plead guilty to violating New York Penal Law (hereinafter NYPL) Section 155.40, Grand Larceny in the second degree, a Class C felony. On or about September 22, 2006, the Respondent was sentenced to five (5) years probation and pay Seventy Five-Thousand Dollars (\$75,000.00) in restitution (Ex. 5).

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concluded that the Respondent has been convicted of acts constituting a crime under New York State Law and violated New York State Education Law Section 6530(9)(a)(i). The Hearing Committee has voted to sustain the sole specification set forth in Appendix 1. VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

It is unrefuted that the Respondent was recently convicted of a crime. The felony conviction relates to the patient services the Respondent provided as a practicing physician in a "no-fault medical practice" (hereinafter "Practice"), where he treated patients who had complained of injuries arising from automobile accidents.

The Respondent testified on his own behalf. The Respondent testified that he joined the Practice when he completed his residency and worked with the Practice for approximately three years. The Respondent testified that he treated patients at five or six different locations and was often upset by demands that he hastily perform tests and/or treat patients contrary to what he thought was appropriate (Tr.18-24). The Respondent also testified that when he tried to leave the Practice he learned that he was listed as an owner of entities related to the Practice, and it took time to extricate himself from the Practice (Tr. 26-28, 31).

The Respondent testified that he notified the New York State Education Department that he was not an owner of entities related to the Practice (See Ex. F,

Tr. 25-28). After the Respondent left the Practice, he opened his own office and chose not to treat "no fault" patients and the majority of his patients were insured by Medicaid and Medicare (Tr. 48). The Respondent testified that he was given the opportunity to cooperate with law enforcement officials and provided information about the Practice. The Respondent testified that his cooperation with various law enforcement agencies lead to numerous criminal convictions (See Ex. C, Tr. 31-44).

The majority of the Hearing Committee did not believe that the Respondent was remorseful.¹ The Hearing Committee determined that the Respondent cooperated with law enforcement officials to avoid a prison sentence. While the Respondent avoided a prison sentence, he was sentenced to five years probation and required to pay Seventy Five - Thousand Dollars in restitution. The Hearing Committee could not ignore that the Respondent worked with the Practice for almost three years, and has been convicted of a felony directly related to the practice of medicine.

In this instance, the Hearing Committee's role was to determine what was the appropriate penalty. After carefully weighing Respondent's recent and serious criminal conviction against the mitigating evidence offered by the Respondent at the hearing, the Hearing Committee concluded that in order to protect the public the Respondent's license shall be REVOKED.

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice medicine in New York State is hereby **REVOKED**.
2. This Order shall be effective upon service on the Respondent in

¹ One member of the Hearing Committee found that the Respondent was remorseful and did not want to revoke the Respondent's license because he is young and has a family to support.

accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: *Rye*, New York
May 27, 2008

(Redacted Signature)

RICHARD D. MILONE, M.D. (CHAIR)
LYON M. GREENBERG, M.D.
JEAN KRYM

TO: Yefim Sosonkin, D.O.

Redacted Address

Rex Whitehorn, Esq.
Rex Whitehorn & Associates
98 Cutter Mill Road- Suite 234
Great Neck, N.Y. 11021

Robert Bogan
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
433 River Street
Troy, New York 12180

Appendix 1

STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
YEFIM SOSONKIN, D.O.
CO-05-10-5391-D

COMMISSIONER'S
ORDER
AND
NOTICE OF
REFERRAL
PROCEEDING

TO: **YEFIM SOSONKIN, D.O.**
Redacted Address

YEFIM SOSONKIN, D.O.
Redacted Address

YEFIM SOSONKIN, D.O.
Redacted Address

The undersigned, Richard F. Daines, M.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **YEFIM SOSONKIN, D.O.**, Respondent, licensed to practice medicine in the State of New York on March 27, 1998, by license number 209924, has been convicted of committing an act constituting a felony under New York State law, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **YEFIM SOSONKIN, D.O.**, Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law §230(12).

**ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN
DEFIACE OF THIS COMMISSIONER'S ORDER SHALL
CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE
MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY
CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY,
DEFINED BY NEW YORK EDUCATION LAW §6512.**

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230 and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 19th day of March 2008, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct. Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not Respondent appears at the hearing.

Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, **ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION,** and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

**THESE PROCEEDINGS MAY RESULT IN A DETERMINATION
THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK
STATE BE REVOKED OR SUSPENDED AND/OR THAT YOU BE
FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN
NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO
OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York

2/19/2008


Redacted Signature


RICHARD F. DAINES, M.D.
Commissioner Of Health

Inquires should be addressed to:

Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
YEFIM SOSONKIN, D.O.
CO-05-10-5391-D

STATEMENT
OF
CHARGES

YEFIM SOSONKIN, D.O., Respondent, was authorized to practice medicine in New York state on March 27, 1998, by the issuance of license number 209924 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 24, 2006, in the Supreme Court of the State of New York, Westchester County, New York, Respondent was found guilty, based on a plea of guilty, of one (1) count of grand larceny in the second degree, in violation of New York Penal Law §155.40, a class C felony; and on or about September 22, 2006, was sentenced to five (5) years probation and \$75,000.00 restitution.

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *Feb. 15*, 2008
Albany, New York

Redacted Signature

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct